

REMARKS

Upon entry of the present paper, claims 1, 8, 10-17, and 19-26 (*i.e.*, all pending independent claims) will have been amended and claims 27-30 will have been added. The herein-contained amendments should not be considered an indication of Applicants' acquiescence as to the propriety of the outstanding rejection. Rather, Applicants have amended claims 1, 8, 10-17, and 19-26 and added claims 27-30 in order to advance prosecution and obtain early allowance of the claims in the present application. Furthermore, no prohibited new matter has been introduced by the abovementioned amendments. In this regard, the amendments to claims 1, 8, 10-17, and 19-26 are supported at least by page 21, lines 10-15 of the present application as filed (¶[0074] of corresponding U.S. Pat. Appl. Pub. No. 2004/0234045). Additionally, new claims 27-30 are supported at least by page 12, lines 5-12 of the present application as filed (¶[0074] of corresponding U.S. Pat. Appl. Pub. No. 2004/0234045). Thus, upon entry of the present paper, claims 1-30 are pending in the present application, with claims 1, 8, 10-17, and 19-26 being in independent form.

Applicants address the remarks provided within the Final Official Action of November 5, 2008 below. In this regard, for the convenience of the Examiner, Applicants have generally reproduced the remarks set forth in the Submission filed under 37 C.F.R. 1.114 on March 5, 2009 below. Additionally, Applicants have submitted supplemental remarks in view of amended claims 1, 8, 10-17, and 19-26 and new claims 27-30.

Applicants respectfully request reconsideration and withdrawal of the outstanding rejections pending in the present application together with an indication of the

allowability of claims 1-30 (i.e., all pending claims) in the next Official communication. Such action is respectfully requested and is now believed to be appropriate for at least the reasons provided below.

35 U.S.C. § 103 Claim Rejections

In the outstanding Official Action, the Examiner rejected claims 1-10, 13-14, and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over the combination of PCT Pub. No. 01/65807 to Waesterlid (hereinafter "WAESTERLID") and U.S. Pat. Appl. No. 2002/0168992 to Eiden et al. (hereinafter "EIDEN") in view of U.S. Pat. Appl. No. 2002/0037736 to Kawaguchi et al. (hereinafter "KAWAGUCHI"), and further in view of U.S. Pat. Appl. No. 2001/0022780 to Mizutani et al. (hereinafter "MIZUTANI"). With respect to the above-mentioned rejection, Applicants believe that the Examiner also intended to indicate that claims 19-20 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of documents listed above, based on comments by the Examiner on pages 26 and 32 of the outstanding Official Action. The Examiner is respectfully requested to confirm Applicants' understanding in the next official communication.

Additionally, the Examiner rejected claims 11-12, 15-16, 21-22, and 25-26 under 35 U.S.C. § 103(a) as being unpatentable over WAESTERLID in view of KAMAGUCHI, and further in view of MIZUTANI.

Applicants' Remarks as Set Forth in the Submission Filed Under 37 C.F.R. 1.114 on March 5, 2009

With respect to the Examiner's rejections, Applicants initially note that, in Applicants' Response to the Official Action dated April 29, 2008, Applicants' submitted

that the above-mentioned combination of documents (in particular MIZUTANI) fails to disclose or render obvious the group identification information that is a unique identifier for each group and that comprises user identification information of the terminal device of a member who forms the group and a time when the group is formed. In response to Applicants' submission, the Examiner asserted, on page 2 of the outstanding Official Action in the Response to Arguments section, that:

Examiner respectfully disagrees, because the group identification information, as recited in the claims, comprises the member who formed the group and when (time) it is formed, not that it is a combination of the two. According to Applicants' specification, group information includes group ID among other information [see fig. 4A]. The Mizutani reference is sends the group id, which is unique to the group (paragraph 46), along with the valid time period for the group. The time period is reflective of the time the group was started, since it defines how long from the start of the group that the current group communication is valid.

With respect to the Examiner's assertion, it appears that the Examiner has misinterpreted the limitations of the claims of the present application. Thus, without agreeing to the propriety of the Examiner's rejection and solely to expedite the patent application process, Applicants have amended claims 1-26 to enhance clarity with claims 1, 8, 10-17, and 19-26 being independent claims. Specifically, Applicants have generally amended each independent claim to recite that the group identification information includes user identification information of the terminal device of a member who forms the group and includes a time when the group is formed. That is, the group identification information of the present application includes user identification information and a time when the group is formed. Applicants note that the group identification information of the present application is an identifier of the group, such as the group ID of MIZUTANI (see pg. 12, lines 5-12 of the present application as filed, ¶[0041] of published U.S. Pat.

Appl. No. 2004/023045). Furthermore, the user identification information of the present application is an identifier of a user, such as the originator ID of MIZUTANI (*see* pg. 11, lines 2-9 of the present application as filed, ¶[0037] of published U.S. Pat. Appl. No. 2004/023045). In contrast to the present application, MIZUTANI merely discloses sending the originator ID and a valid time period for the group (which is not the time the group was formed) along with the Group ID (*see* MIZUTANI ¶[0046]). The above-recited feature of the present application provides the non-limiting and advantageous effect of enabling the group identification information to be generated at the terminal device of the member who forms the group (rather than in a central server or system) while still ensuring that the group identification information is a unique identifier for the group since a member cannot form two groups at the same time (*see* pg. 12, lines 5-12 of the present application as filed, ¶[0041] of published U.S. Pat. Appl. No. 2004/023045).

In this regard, Applicants respectfully traverse the Examiner's rejections and submit that the applied documents fail to disclose or render obvious at least the group identification information including user identification information of the terminal of the device of a member who forms the group and including a time when the group is formed as generally recited by independent claims 1, 8, 10-17, and 19-26. To the contrary, Applicants submit that MIZUTANI merely discloses that a communication terminal that desires to communicate with other communication terminals forms a momentary group (*see* MIZUTANI ¶[0011], ¶[0045]). The communication terminal that communicates sends a packet with information to the receiving communication terminals (*see* MIZUTANI ¶[0011], ¶[0046]). According to MIZUTANI, the packet includes a packet ID, a valid time period of the packet, hop count, a group ID, an originator ID, a belonging

to group time period, and an error correcting code (*see* MIZUTANI ¶[0046]). The time period is not included in the group ID. Instead, as acknowledged by the Examiner on page 2 of the outstanding Official Action, the time period is simply included in the same packet as the group ID. Furthermore, the time period merely indicates when the group will be terminated and is not *a time when the group is formed* (*see* MIZUTANI ¶[0046]), as required by Applicants' amended claims.

Additionally, Applicants submit that user identification information of the terminal of the device of a member who forms the group is also not included in the group ID. Therefore, Applicants submit that MIZUTANI cannot be reasonably interpreted to disclose or render obvious, as generally recited by independent claims 1, 8, 10-17, and 19-26, the feature of the group identification information including user identification information of the terminal of the device of a member who forms the group and including a time when the group is formed.

Applicants further submit that WAESTERLID, EIDEN, and KAWAGUCHI each fail to disclose or render obvious that which is lacking in MIZUTANI. In this regard, the Examiner acknowledges, on page 10 of the outstanding Official Action, that the combination of WAESTERLID, EIDEN, and KAWAGUCHI fails to specifically disclose that the time the group is formed is included in the group identification information. Accordingly, Applicants submit that even if one attempted to combine WAESTERLID, EIDEN, KAWAGUCH and MIZUTANI in the manner suggested by the Examiner, one would not arrive at the embodiments of the present application as recited by independent claims 1, 8, 10-17, and 19-26. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. §103 rejections of claims 1, 8, 10-17, and 19-26.

With respect to the Examiner's rejection of dependent claims 2-7, 9, and 18, Applicants submit that these claims are all directly or indirectly dependent from one of allowable independent claims 1, 8, and 17, which are allowable for at least the reasons discussed *supra*. Thus, these dependent claims are submitted to also be allowable for at least the reasons discussed *supra*. Furthermore, all dependent claims recite additional features which further define the present invention over the references of record.

WAESTERLID, EIDEN, KAWAGUCHI, and MIZUTANI Fail to Render Obvious Presently Amended Independent Claims 1, 8, 10-17, and 19-26 (i.e., All Pending Independent Claims)

By the present paper, without acquiescing in the propriety of the outstanding rejections, Applicants have amended independent claims 1, 8, 10-17, and 19-26 (i.e., all pending independent claims) to each generally recite the feature of the group identification information being generated exclusively by the terminal device. In this regard, in conventional systems, when multiple groups, each having a group identifier, are formed, such as in the case where a single terminal device forms multiple groups at different times or in the case where multiple terminal devices each form a group at the same time, the group identifiers of the groups may overlap each other if there is no means for unifying group generation. However, according to independent claims 1, 8, 10-17, and 19-26, which generally include the feature of the group identification information of each group including user identification information of the terminal device of a member who forms the group and a time when the group is formed, groups can be generated exclusively by the terminal devices without requiring a means for unifying group generation while still ensuring that each group identification information is a unique identifier for each group.

Applicants respectfully submit that WAESTERLID, EIDEN, KAWAGUCHI, and MIZUTANI, whether considered alone or together in any proper combination thereof, fail to render obvious the above-mentioned feature of the group identification information being generated exclusively by the terminal device in the claimed combinations.

WAESTERLID, EIDEN, KAWAGUCHI, and MIZUTANI Fail to Render Obvious New Dependent Claims 27-30

New dependent claims 27-30 generally recite the feature of wherein the group identification information consists essentially of the user identification information of the terminal device of the member who forms the group and at least one of the time when the group is formed and a date when the group is formed. Such a feature provides the non-limiting and advantageous effect of ensuring that each group identification information is a unique group identifier for each group. Applicants respectfully submit that WAESTERLID, EIDEN, KAWAGUCHI, and MIZUTANI, whether considered alone or together in any proper combination thereof, fail to render obvious such a feature in the claimed combinations.

To the contrary, as asserted above and as acknowledged by the Examiner on page 2 of the outstanding Official Action, MIZUTANI merely discloses that a header includes a group ID and a valid time period for the group, not that the group ID consists essentially of user identification information of the terminal device of the member who forms the group and at least one of a time when the group was formed and a date when the group was formed. Furthermore, the Examiner acknowledges, on page 10 of the outstanding Official Action, that the combination of WAESTERLID, EIDEN, and KAWAGUCHI fails to specifically disclose that the time the group is formed is included in the group identification information. Thus, for at least these reasons, Applicants

respectfully submit that WAESTERLID, EIDEN, KAWAGUCHI, and MIZUTANI fail to render obvious new dependent claims 27-30.

Therefore, for at least the reasons discussed *supra*, Applicants respectfully submit that each and every pending claim of the present application (i.e., claims 1-30) meets the requirements for patentability. Accordingly, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. § 103 and to indicate the allowance of each and every pending claim in the present application.

CONCLUSION

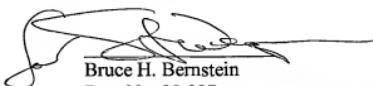
In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or renders obvious the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections are made by the present amendment. All amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Masahiro HORA et al.



Bruce H. Bernstein
Reg. No. 29,027

**Steven Wegman
Reg. No. 31,438**

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191